

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KEVIN MANNING SHORT,

Plaintiff,

v.

STEVE SISOLAK, et. al.,

3:20-CV-0098-MMD-CLB

ORDER

Defendant.

I. DISCUSSION

On February 12, 2020, Plaintiff, an inmate in the custody of the Stewart Conservation Camp,¹ submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. (ECF No. 1; 1-1). Plaintiff's application to proceed *in forma pauperis* is incomplete.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),
 - (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and
 - (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

Plaintiff has not submitted a signed copy of the financial certificate nor has he provided a copy of his inmate prison trust account statement for the previous six-month

¹ Plaintiff was formerly incarcerated at Northern Nevada Correctional Center.

1 period. Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis*
2 (ECF No. 1). without prejudice because the application is incomplete. The Court will grant
3 Plaintiff a one-time extension to file a fully complete application to proceed *in forma*
4 *pauperis* on this Court's approved form and containing all three of the required
5 documents. Plaintiff will file a fully complete application to proceed *in forma pauperis* on
6 or before Monday, June 15, 2020. Absent unusual circumstances, the Court will not grant
7 any further extensions of time. If Plaintiff is unable to file a fully complete application to
8 proceed *in forma pauperis* with all three required documents on or before Monday, June
9 15, 2020, the Court will dismiss this case without prejudice for Plaintiff to file a new case
10 with the Court when Plaintiff is able to acquire all three of the documents needed to file a
11 fully complete application to proceed *in forma pauperis*. To clarify, a dismissal without
12 prejudice means Plaintiff does not give up the right to refile the case with the Court, under
13 a new case number, when Plaintiff has all three documents needed to submit with the
14 application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an
15 application to proceed *in forma pauperis* and instead pay the full filing fee of \$400 on or
16 before Monday, June 15, 2020 to proceed with this case. The Court will retain Plaintiff's
17 civil rights complaint (ECF No. 1-1), but the Court will not file the complaint unless and
18 until Plaintiff timely files a fully complete application to proceed *in forma pauperis* with all
19 three documents or pays the full \$400 filing fee.

20 **I. CONCLUSION**

21 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
22 *in forma pauperis* (ECF No. 1.) is denied without prejudice to file a new fully complete
23 application to proceed *in forma pauperis* with all three documents.

24 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
25 approved form application to proceed *in forma pauperis* by an inmate, as well as the
26 document entitled information and instructions for filing an *in forma pauperis* application.

27 IT IS FURTHER ORDERED that on or before Monday, June 15, 2020, Plaintiff will
28 either pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and

1 the \$50 administrative fee) or file with the Court:

- 2 (1) a completed **Application to Proceed *in Forma Pauperis* for Inmate** on this
3 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
4 signatures on page 3),
5 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
6 official (i.e. page 4 of this Court's approved form), and
7 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
8 **previous six-month period.**

9 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
10 application to proceed *in forma pauperis* with all three documents or pay the full \$400
11 filing fee for a civil action on or before Monday, June 15, 2020, the Court will dismiss this
12 action without prejudice for Plaintiff to refile the case with the Court, under a new case
13 number, when Plaintiff has all three documents needed to file a complete application to
14 proceed *in forma pauperis*.

15 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
16 (ECF No.1-1) but will not file it at this time.

17 DATED: April 17, 2020.

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19 UNITED STATES MAGISTRATE JUDGE
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